

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Dieter DORSCH et al.

Serial No.: 10/535,246

Group Art Unit: 1626

Filed: May 18, 2005

Examiner: ANDERSON, Rebecca L.

For: CARBOXAMIDES

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on January 31, 2008, applicants rather than electing one of the proposed groups I to XI would like to choose the second option given by the Examiner and elect the compounds of claim 17. All the compounds of claim 17 have a 4- or a 5-chlorothiophene-2-carbonyl-amino moiety in common. Moreover, these compounds are carboxamides.

The election is with traverse. The traversal is on the grounds that the patent office has not established that it would pose an undue burden to examine the full scope of the claimed invention.

If the Examiner decides to broaden the search/examination, applicants request that the invention of group I of the Office Action be searched/examined.

Additionally, applicants request that process and method (now use) claims be examined along with the compounds of claim 17. If the process/method claims are restricted, then applicants bring the attention of the Examiner to MPEP § 821.04, Rejoinder, which states that "if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined." If the restriction requirement is maintained at this point, rejoinder of the non-elected claims is respectfully requested at the proper time in accord with the rejoinder provisions of the MPEP.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

Csaba Henter, Reg. No. 50,908
Anthony J. Zelano, Reg. No. 27,969
Attorneys for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
Direct Dial: 703-812-5331
Facsimile: 703-243-6410

Attny. Docket No.: Merck-3013

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